

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

KEVIN BROWN,

Plaintiff,

v.

WOODBURY AUTO GROUP, et al.,

Defendants.

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NO. 3:21-cv-00955

JUDGE CAMPBELL

MAGISTRATE JUDGE FRENSLEY

ORDER

Pending before the Court is Magistrate Judge Frensley's Report and Recommendation (Doc. No. 38), and Defendants' objections filed in response (Doc. No. 40). Through the Report and Recommendation, Judge Frensley recommends that Defendants' motion to dismiss (Doc. No. 29) be denied. For the reasons discussed below, the Report and Recommendation will be adopted and approved.


Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. Appx. 228, 230 (6th Cir. 2009). Thus, "only those specific objections to the magistrate's report made to the district court will be preserved for appellate review." *Id.* (quoting *Smith v. Detroit Fed'n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting the review, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

Defendants' objections simply re-state facts and arguments from their underlying motion to dismiss, (*Compare* Doc. No. 40 *with* Doc. Nos. 30, 34-1), and fail to identify any specific errors

from Judge Frensley's Report and Recommendation. (*See, e.g.*, Doc. No. 40 at 17 ("The Magistrate Court violated the well-established law in Tennessee and its Report and recommendation went contrary to that law and it should be set aside.")). Thus, Defendants' objections do not provide a basis to reject or modify the Report and Recommendation. *See Howard v. Sec. of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *VanDiver v. Martin*, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004) ("An 'objection' that does nothing more than state a disagreement with a magistrate's suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context.").

Having reviewed the Report and Recommendation and fully considered Defendants' objections, the Court concludes Defendants' objections are without merit, and that the Report and Recommendation (Doc. No. 38) should be adopted and approved. Accordingly, Defendant's motion to dismiss (Doc. No. 29) is **DENIED**.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE